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SUPREME COURT, U.S.

NO. 80-6725

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

ANDREW PHILLIP LEGARE,

Petitioner,

vs.

WALTER B. ZANT, Superintendent,
Georgia Diagnostic & Classification Center,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF GEORGIA

REPLY BRIEF OF PETITIONER IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

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REPLY BRIEF OF PETITIONER IN SUPPORT OF
PETITION FOR A WRIT OF CERTIORARI

Petitioner, Andrew Phillip Legare, pursuant to Supreme Court Rule 22, hereby files this Reply to the Brief in Opposition for the Respondent.

REASONS FOR GRANTING THE WRIT

I. The Court Should Grant Certiorari to Consider Whether the Death Penalty as Applied to a 17-year-old Child is Cruel and Unusual Punishment Under the Eighth Amendment to the Constitution of the United States.

The Respondent contends that this issue was raised for the first time in the Petition for Writ of Certiorari ("Petition") and that neither this issue nor any evidence in support of this issue was ever squarely presented to the state courts for resolution. Respondent's Brief, p. 7. In fact, this issue was expressly raised in the Petition for a Writ of Habeas Corpus ("P.H.C."), as follows:

> The imposition and execution of petitioner's death sentence violates the Eighth and Fourteenth Amendments to the Constitution of the United States, and Article I, Section I, Paragraphs I and XIV of the Georgia Constitution, because they inflict a punishment that is cruel and unusual in consideration of the fact that Legare was only 17 years old at the time of the offense.

P.H.C., ¶ 16, p. 7.

Uncontroverted evidence of the Petitioner's age was introduced at the habeas corpus hearing where Petitioner testified on direct examination:

> Q. And how old were you in November of 1977? [date Petitioner was sentenced to death]
>
> A. 17
>
> Q. How about May, 1977? [date of the offense]
>
> A. I had just turned 17 in March.

Habeas Corpus Transcript ("H.T."), pp. 120-121. The age of Andrew Legare at the time of offense was already a matter of record, as noted by the Georgia Supreme Court in its decision on direct appeal. Legare v. State, 243 Ga. 744, 257 S.E.2d 247, cert. denied, 444 U.S. 984 (1979). In view of petitioner's clear legal argument that it is unconstitutional for anyone who is under 18 at the time of the offense to be executed, the petitioner's age at the time of offense was the only evidence required to be introduced on that point. Respondent's assertion that this evidence was not introduced is untenable in the face of the clear record.

Indeed, the Respondent recognized that this issue had been expressly raised, and adequate evidence presented, by arguing before the Superior Court that the "mere fact that Petitioner was only 17 years old at the time he was sentenced to death . . . does not render Petitioner's sentence unconstitutional." Memorandum on Behalf of the Respondent Warden by the Attorney General, ¶ T, p. 30.

Finally, this issue was never thereafter conceded nor waived, but instead was expressly raised in Petitioner's Application for Certificate of Probable Cause to Appeal to the Georgia Supreme Court ("App. to Appeal"):

> The imposition and execution of petitioner's death sentence violates the Eighth and Fourteenth Amendments to the Constitution of the United States and Article I, Section I, Paragraphs I and XIV of the Georgia Constitution because they inflict a punishment that is cruel and unusual in consideration of the fact that Legare was only 17 years old at the time of the offense.

App. to Appeal ¶ 4, pp. 15-16. In denying this Application, the Georgia Supreme Court necessarily passed negatively on the merits of this issue. Rule 26 of the Georgia Supreme Court provides:

> An application to appeal a final judgment in a habeas corpus case after a criminal conviction will be granted where there is arguable merit.

Thus, the issue of the constitutionality of child executions was properly and squarely raised by the Petitioner in his Petition for a Writ of Habeas Corpus and at each subsequent stage of the habeas corpus proceedings and the merits of the issue were determined by the state courts adversely to Petitioner.

Whether this federal issue was properly raised in the state courts is itself "ultimately a federal question, as to which this Court is not bound by the decisions of the state courts." Street v. New York, 394 U.S. 576, 583 (1968); accord, Parker v. Illinois, 333 U.S. 571, 574 (1948). This Court has noted previously that:

> [T]here are various ways in which the validity of a state statute may be drawn in a question on the ground that it is repugnant to the Constitution of the United States. No particular form of words or phrases is essential, but only that the claim of invalidity and the ground therefor be brought to the attention of the state court with fair precision and in due time. And if the record as a whole shows either expressly or by clear intendment that this was done, the claim is to be regarded as having been adequately presented.

New York ex rel. Bryant v. Zimmerman, 278 U.S. 63, 67 (1928). The fact that neither the trial court nor the Georgia Supreme Court expressly addressed this issue in their respective opinions does not foreclose this Court from taking jurisdiction over this Petition. Where it can be shown that an issue was necessarily decided by the state court in affirming a defendant's death sentence, this Court has the power to consider the issue on review. See Street v. New York, 394 U.S. 576 (1969).

This Court has recently granted certiorari to consider this same issue in connection with a 16 year old in Eddings v. Oklahoma, 616 P.2d 1159 (Okla. Crim. App. 1980), cert. granted, 68 L.Ed.2d 237 (1981). The briefs for petitioner Eddings and for the state, in addition to the Oklahoma court's opinion in the Eddings case, present

this Court with an exhaustive analysis of the child execution issue as it relates to a 16 year old defendant. Petitioner Legare is prepared to brief this issue fully as it relates to a 17 year old defendant.

In order to draw the constitutional line between child and adult executions, this Court should have before it, with Eddings, this case, which squarely presents the question of the constitutionality of the death penalty as imposed on a seventeen year old child.

II. The Court Should Grant Certiorari to Consider Whether the Constitution Requires That a Sentencing Jury Be Permitted to Consider the Youth of the Defendant in Mitigation.

Respondent contends that the Petitioner's characterization of the prosecutor's statements to the veniremen on voir dire and in his closing argument is inaccurate and that no "objective" evidence was presented to support Petitioner's characterization. Respondent's Brief, pp. 7-8. In fact, the characterization of the prosecutor's statements to the jurors contained in the Petition is fully supported by the record in this case, as evidenced by Exhibit A to this Reply Brief entitled, "Excerpts From Voir Dire Transcripts." This exhibit, presented to the Superior Court to emphasize material already in the record before that court, amply illustrates the prosecutor's improper questioning of almost every prospective juror.

Similarly, the record of the prosecutor's statements in his closing argument, which has been entirely ignored by the Respondent here, clearly demonstrates that the prosecutor reminded the jurors of their promise not to consider the age of the defendant when making the death penalty decision. The prosecutor stated in his closing argument on the sentencing phase, for example:

> I asked each and every one of you that if because of the age of the defendant in in this case, you would be more likely to vote against the death penalty for him than you would, say, a thirty year old man, or words to that effect. I asked each one of you and each of you said no, that you would judge this defendant on the basis of the evidence of the crime he was alleged to have committed. . . .(Supplemental Transcript, "S.T.", p. 70).
>
> And you'll have the satisfaction of knowing that you have, in a case where the evidence demanded the death penalty, if you disconsider his age, disconsider all of those things which you're not suppose to consider, and consider only the evidence you will know and have the satisfaction of knowing that you returned a just verdict. (S.T., p. 78; emphasis added).
>
> Just remember the evidence. Do what you said you would do. Push the age of the defendant out of your mind. He may be seventeen years chronologically but he's older than any of us in the ways of evil and his malicious conduct. He's older than the oldest of us. (S.T., p. 79)

Finally, the Respondent attempts to rely on the defense counsel's reference to the age of the defendant in the course of his closing argument. The full record in fact shows that defense counsel unsuccessfully attempted to focus the attention of the jurors on the defendant's youth. Defense counsel noted that Andrew was only 17 at the time of the offense and asked the jury, "if you're going to take a seventeen year old boy and electrocute him, now--where are you going to cut it off, are you going down to ten years, fourteen years, sixteen years...." S.T., p. 82. At this point, the prosecutor objected, in the following terms:

> MR. BRILEY: Your Honor, I object to that because that's arguing the law that's not in existance [sic] there, and he's perfectly well aware that there's a law that sets minimum age on this matter. I don't mind any argument but that's a mistake of the law, in the Georgia law.

The prosecutor was apparently referring to the law discussed by Justice Hill in his concurring opinion in Hawes v. State, 240 Ga. 327, 337, 240 S.E.2d 833 (1977, permitting the execution in Georgia of anyone over the age of 12. The Court's response sustaining that objection was far from a model of clarity, but seems to have instructed the jurors that they indeed were not to consider the age of the defendant in the sentencing determination:

> THE COURT: I think that [defense counsel's] argument is an incorrect principle of law. You have leeway to argue matters of common knowledge, but if you are going to argue them, I think it ought to be correct. Ladies and Gentlemen, you've heard the evidence. It's up to you to determine what punishement [sic] he is to receive. Do not let any common denominator have any effect upon your responsibility.

S.T., p. 83. Thus, the prosecutor's objection to defense counsel's argument based on the youth of the defendant in the sentencing phase of the trial was sustained, and the jury was effectively instructed by the court not to consider his age, as they had been expressly and repeatedly instructed by the prosecutor.

The prosecutor's repeated and emphatic instructions to the jury, enhanced by the trial court's instructions and uncontradicted by the defense counsel, that the jury was not to consider the defendant's youth in mitigation clearly violated Petitioner's Eighth and Fourteenth Amendments. This Court has recognized, on numerous occasions, the constitutional significance of allowing a jury to consider mitigating circumstances, including the age of the defendant, in deciding whether to impose a death sentence. See, e.g., Lockett v. Ohio, 438 U.S. 586 (1978); Roberts (Harry) v. Louisiana, 431 U.S. 633 (1977); Gregg v. Georgia, 428 U.S. 153 (1976); Jurek v. Texas, 428 U.S. 261 (1976).

Even if this Court decides that it is constitutionally permissible to inflict the death penalty upon a seventeen year old, this Court should reaffirm that the jury, at a minimum, must be permitted to consider the defendant's youth as a mitigating factor.

III. The Court Should Grant Certiorari to Consider Whether, in this Capital Case, the Failure of Defense Counsel to Introduce Any Mitigating Evidence Whatsoever in the Punishment Phase of the Trial, Notwithstanding the Abundant Availability of Such Evidence, Violated the Sixth, Eighth and Fourteenth Amendments to the United States Constitution.

In his brief, the Respondent apparently contends that this issue turns solely on a factual determination of whether defense counsel is an incompetent attorney. Respondent's Brief, pp. 9-11. This contention completely ignores the argument by Petitioner that defense counsel's failure to introduce any evidence in mitigation when ample evidence was available resulted in a highly prejudicial sentencing hearing. See, e.g., Voyles v. Watkins, 489 F. Supp. 901, 912 (N.D.Miss. 1980); accord Blake v. Zant, 513 F. Supp. 772, 779-80 (S.D. Ga. 1981). The failure of defense counsel to introduce any mitigating evidence in this case was greatly influenced by the limited resources and difficult conditions with which trial counsel were required to work. The prejudicial circumstances surrounding this trial are more fully described in the Petition, pp. 5-8. The result of defense counsel's failure to do what is minimally expected in a sentencing hearing, in conjunction with the terrible timing, pace and conditions of the hearing, was the denial of effective assistance of counsel in violation of the Petitioner's constitutional rights.

The courts below are at odds on this issue with direct precedent in federal courts and with the clear import of recent death penalty cases in this Court. See Petition, pp. 26-28. This Court should grant certiorari to resolve this important and recurring constitutional issue.

IV. The Court Should Grant Certiorari to Consider Whether in Light of the Invalidity of the (b)(7) Aggravating Circumstance in This Case Under this Court's Decision in Godfrey v. Georgia, the Georgia Courts May Constitutionally Reaffirm the Death Sentence, with No New Sentencing Determination, on the Basis of the (b)(2) Aggravating Circumstance.

The Respondent contends that the (b)(7) aggravating circumstance is applicable to the case at bar. Respondent's Brief, p. 14. Respondent is clearly wrong. First, Respondent's characterization of the facts surrounding the crime is inaccurate. Contrary to Respondent's account, the record in the habeas proceeding shows that after a struggle between the defendant and the victim the defendant attempted to obtain the victim's car keys, was startled when the victim's arm moved suddenly and hit the victim once with the crowbar, not "repeatedly." H.T., p. 144. No evidence in this case even approaches the "torture" and "depravity of mind" which are constitutionally required to be the basis of a death penalty recommendation under (b)(7). See Godfrey v. Georgia, 446 U.S. 420 (1980).

Second, the Respondent failed to distinguish between the evidence presented at the trial and the testimony of the Andrew Legare at the habeas corpus hearing. At trial, Andrew testified that another boy had done the beating. It was not until the habeas hearing that Andrew testified to the actual circumstances surrounding the beating. This latter testimony was not before the jury at the time of the

sentencing determination and the trial record discloses no possible basis for the finding of the (b)(7) aggravating circumstances in this case. Therefore, the (b)(7) aggravating circumstance cannot constitutionally be applied to the case at bar.

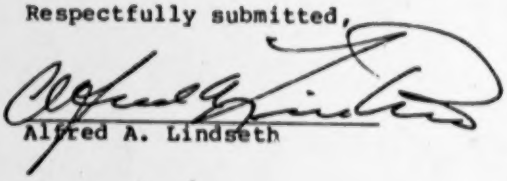
The Respondent completely failed to address the principal focus of this issue, i.e., that the presence of of the (b)(2) aggravating circumstance (that the murder was committed in the course of a burglary and armed robbery) does not provide a sufficient basis for affirming the death penalty, without a new sentencing hearing, where the application of the (b)(7) aggravating circumstance was unconstitutional. The jury here might well have recommended mercy in the absence of the unfounded and limitless basis for death under (b)(7), that is, that the murder was "vile and horrible." Where there is considerable doubt, as there is here, as to whether the jury would have recommended death under constitutionally acceptable conditions, a new sentencing hearing is required.

The decisions of the Georgia Courts and the Fifth Circuit conflict on the issue of whether the Georgia courts may constitutionally reaffirm the death sentence, with no new sentencing determination, on the basis of the (b)(2) aggravating circumstance. See, e.g., Stephens v. Zant, 631 F.2d 397 (5th Cir. 1980); Blake v. Zant, supra, 513 F. Supp. at 799-800. Moreover, three Justices of this Court have recently expressed views on this issue. See Westbrook v. Balkcom, 66 L.Ed. 2d 298 (1980), denying certiorari in No. 79-6704. The Court should grant certiorari in this case to resolve this important and recurring issue.

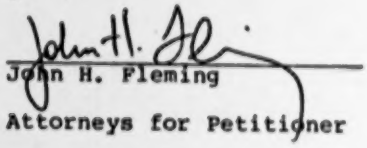
CONCLUSION

For the foregoing reasons, and for those stated in Andrew Legare's Petition for a Writ of Certiorari, Andrew Legare prays that the writ be granted.

Respectfully submitted,



Alfred A. Lindseth



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IN THE SUPERIOR COURT OF BUTTS COUNTY
STATE OF GEORGIA

ANDREW PHILLIP LEGARE, Petitioner vs. WALTER B. ZANT, Superintendent, Georgia Diagnostic and Classification Center, Respondent.	)	H.C. No. 4557

EXCERPTS FROM VOIR DIRE TRANSCRIPTS

EXHIBIT "A"

15

THAD W. ESTES, JR - By Mr. Briley:

Q All right, would you give me their ages and their six?

A Lisa Yvonne, and she's 18. Thad, Jr. or the III, he's 13, male.

Q The oldest-- the girl, is she in school?

A Yes, sir, she is in college at GMC.

Q Mr. Estes, I ask you this question, the fact, that upon the evidence might show that a 17 year old boy --- your closeness of your family, would that effect your judgment as to either the verdict or the punishment in this case?

A No, sir.

Q Thank you, sir.

BY MR. DICKENS:

Q Mr. Estes, what is your wife's name?

A Irma.

Q Irma?

A Yes, sir.

Q Does Mrs. Estes work any where?

A Yes, sir, she runs a beauty shop-- she's a beautician.

Q And she owns her own beauty shop?

A Yes, sir.

Q And where do you work?

A Central State Hospital. Engineering Department.

Q How long have you been employed at Central State?

THAD W. ESTES - By Mr. Dickens;

Q Is that the only case that you have ever served on?

A Yes, sir.

Q Have you ever served on the grand jury?

A No, sir.

Q Is it your opinion that youths, of 17 and 18 years of age , insofar as evaluting their offenses, and meteing out punishments be judge on the same basis of an adult?

A I think.--- they should know --- they know right from wrong, if that is what you are asking.

Q Well , would you judge them on the same tangient, as you would say a person of 30 or --- would you---

A I probably would be more lenient with them.

Q Mr. Estes, if this specific case should run for 4 days or more, would it impose any hardship on you , if you were selected to serve?

A No, sir. I don't think so.

Q Okay, that's all.

(Witness down)

CLERK: Jane B. Headley

JANE B. HEADLEY

Questions by

MR. BRILEY: No questions.

confered upon the defense counsel of the private voir dire examination, Your Honor.

THE COURT: Well, under the cases reported under 135 Ga. Appeals, 843 and 226, Ga. 170, and 171, headnote 6, -- I sustain the motion. I believe both of those cases, held what the verdict was in a previous case was properly excluded.

BY MR. DICKENS:

Q Only one murder case that you have served on?

A Yes.

Q Do you remember the name of that case?

A Yes, it was a Mr. Butts.

Q Mr. Butts?

A Uh, huh.

Q Any other capital cases that you have served on?

A No.

Q Have you ever served on a grand jury , Mrs. Headley?

A No, I haven't.

Q Man?

A No.

Q In a case that would be involving a 17 or 18 year old youth, is it your opinion that he should be judged under the same standards that would apply to an adult?

A Uh---

Q In deciding guilt or in deciding punishment?

A That is very difficult.

JANE B. HEADLEY - By Mr. Dickens:

Q Man?

A That is very difficult to say. I guess it would depend on the person.

Q That was being tried?

A Uh, huh.

Q So you would try to evaluate that person at the events. Mrs. Headley, if this case should run through Thursday, which is Thanksgiving , to serve on this case, would it impose a hardship on you?

A Well, I wouldn't like it any better than anybody else , but no, it wouldn't impose a hardship.

Q Thank you man.

(Witness down)

CLERK: Mary L. Davis.

MARY L. DAVIS

Questons by

MR. BRILEY:

Q Ms. Davis, are you married ?

A Yes, I am.

Q How long have you been married, please, man?

A Oh, 28 years.

Q What is your husband's name?

A Edgar L. Davis.

Q Where do you live, Ms. Davis?

A Route 2, Gordon. It's about 8 miles-- it's in

And she is 22.

Q 22, all right, mam.

A And the third one-- Edgar L, Jr. -- Davis, Jr, and he's 20.

Q And where does he work?

A He works at Concord and goes to school at GHC. At night.

Q What courses is he taking at GHC?

A Right now, he's just taking English and History, Science.

Q How long has he been at Concord?

A He's worked there a couple of times, but he has only been back about , oh, about 4 months, I think.

Q And how long has he been going to school?

A He started in September.

Q Is he married or single?

A He's single.

Q All right, and you have one more child?

A Shaon Kaye, she's 17.

Q Mrs. Davis, I ask you to consider for a moment,that the defendant in this case is 17 years old and because you have children around this age, would the thought of your own children and the closeness with them , would that in any way effect your judgment as to the verdict or as to the punishment?

A No, sir, I don't think so.

Q Would you hold a 17 year old to the same standards

as you would hold a 30 year old?

A Well, that's --- well , at 17, they know pretty much what they are doing-- when it comes to crime-- I really think I would put them in about the same category, really.

Q You wouldn't , at this point in time, you could you say for certain if you would feel any sympathy for the defendant, because he is 17 and if you would let that sympathy interfer with your judgment?

A Oh, I would feel sympathy, but I wouldn't let it interfer with the decision, no, sir.

Q Thank you mam.

BY MR. DICKENS:

Q Mrs. Davis---

A Yes, sir.

Q Have you heard anything about this case either on the radio, t.v. , or in local gossip , or conversations or have you read anything about it in the newspapers or magazines?

A Just sketches of it, on the news media-- on the radio and very little in the newspapers .

Q Have you had any conversations with anybody about this case?

A No, sir.

Q Has anyone in your presence ever expressed any opinion as to what -- as to who the guilty parties were?

A No, sir.

CARL E. PULLIAM - By Mr. Dickens:

A No, sir.

Q From anyone? From what you have heard do you have any opinion now,whatever, as to who might have been the guilty parties?

A No, sir.

Q Do you have any opinion now as to what the punishment should be for the guilty parties?

A No,sir.

Q Have you previously served on a jury, Mr. Pulliam?

A Once in October.

Q Any other than the one in October?

A No, sir.

Q Have you ever served on a grand jury?

A No, sir.

Q What is your opinion, as to the standard as to a 17 or 18 year old boy should be judged and charged with a crime? Would they be, in your mind , the same standard of judgment as an adult?

A Yes, sir.

Q Do you know any of these people who may be witnesses in the case? Mr. C.E. Burgamy?

A Yes, sir, I know him.

Q How well do you know Mr. Burgamy?

A Just know that he is a policeman.

Q Well, have you ever had any conversations with him?

BARBARA PICKNAN- By Mr. Briley:

Q And where is the boy?

A He's here in Milledgeville. He's employed at Central State.

Q How long has he been employed out there?

A About 12 years.

Q What department does he work in?

A He works in the Veterans Hospital.

Q I beg your pardon, where?

A In the Veterans Hospital.

Q Mrs. Picknan, would the fact, if the evidence showed in this case , that the defendant was 17 years of age, would that influence you in reaching a verdict based on the evidence in the case?

A No.

Q You say it would not?

A No.

Q Now, the State is asking for the death penalty in this case, would the age of the defendant, if the evidence shows that he is 17, would that age make it unlikely for you to consider the death penalty ?

A No.

Q You could, regardless of the age consider the death penalty as one of the penalties if the evidence warrants it?

A Yes. If it need be, yes.

Q I beg your pardon.

BARBARA PICKMAN - By Mr. Briley:

A If it needs it, yes.

Q All right, thank you mam.

BY MR. DICKENS:

Q Mrs. Pickman, would you apply the same standards in judging a 17 year old , that you would apply towards an adult in determining punishment?

A I believe so.

Q Mam?

A I believe so.

Q Have you served on any other prior jury?

A In October, I was here in October.

Q Any other prior jury service?

A No.

Q How many cases did you serve on in October?

A Two.

Q And were they both criminal cases?

A No.

Q Was one of them a criminal case?

A No.

Q Mam?

A One was a simple battery and the other was a damage suit , I believe.

Q Have you heard anything about this case, either by conversations with others, or over the radio or t.v., or from reading the newspapers ?

A Just reading the newspaper.

ELIZABETH HALL - By Mr. Briley:

Q How long were you married?

A About 20 years.

Q Do you have any children?

A Yes, I do.

Q How many?

A Seven.

Q Have any boys?

A Four.

Q What are their ages?

A The oldest one is 38, I believe---

Q Is how old?

A 38,

Q 38?

A 37, 25 and I missed one--- 38,37, 34 and 25.

Q Now, if the evidence shows that the defendant is a young white/ male, 17 years of age , would you be able to judge him on the same standards as the 30 year old?

A Well, I think I would have to be a little lenient with the young man.

Q All right now, I ask you this question, the State is asking for the death penalty in the case, would the age stop you from voting the death penalty in the case, just because of his age?

A No, that would depend on the evidence.

Q All right, you would rely on the evidence in making your decision?

CLARA GRIFFIN - By Mr. Briley:

Q May I ask you how old you are?
A Twenty-five.
Q Are you married?
A Yes, I am.
Q Have any children?
A One.
Q And how old is the child?
A Four.
Q Boy or girl?
A Girl.
Q What is your husband's name?
A Cary Griffin.
Q Where does he work?
A J.P. Stevens.
Q How long has he been there?
A Ten years.
Q If the evidence shows the defendant in this case is a 17 year old -- would that -- would you have any sympathy for him more than a 30 year old, charged with the same crime under the same evidence?
A I think that would depend on whether or not he had a previous record -- a criminal record, and then, the evidence that is given in the case.
Q Well, just assume that all you would hear is just the evidence in this case?
A I really couldn't say.

CLARA GRIFFIN - By Mr. Briley:

Q Would the fact that he is 17 years of age-- the State is asking for the death penalty in this case, and the evidence warranted it, would his age keep you fron voting for the death penalty?

A I think so.

Q You're saying then that his age would unduly influence you to vote against the death penalty?

A Again, as I say, unless he has criminal previous record , it would.

Q Of course, you understand the only evidence that you will have before you , is that that is admissible in Court?

A Yes, that's true.

Q A previous record will not be before you?

A But what I'm saying is that he should be accountable for what he has done, and if the evidence showed that he had other criminal record then, I would say, he should as if he was 30 years old.

Q We are going to have to get back to this point now, Mrs. Griffin, may not concern yourself with the existence or non existence ---

A Okay.

Q Anything prior to this act---

A Okay.

Q All right, let's start from that point.

A Okay.

Q Now, would you be able, if the evidence in this

ARTHUR OWENS - By Mr. Briley:

the evidence indicated showed you that the defendant in this case, was at the time in his 17th year , would this effect your deliberation in the case ?

A Not under the law Mr. Briley, since 17 year olds are judged to stand trial just like an adult, it would not have any effect.

Q You would consider it on the same basis as any other adult

A Right.

Q And that would go as to the punishment also?

A Right. I would consider also any alternate punishments on the same basis?

Q Thank you.

BY MR. DICKENS:

Q Mr. Owens, have you heard anything about this case, or read anything about it anywhere?

A I heard the account on the radio , I believe, two or three days after the crime, and the only account I heard was the name of the deceased , and that there were two or three suspects, and then I have read, a couple of accounts of it in the papers -- the most recent one last week, that the case would be tried.

Q All right, sir, now , what you have read or heard, do you now have any opinion,whatsoever,no matter how slight, as to who might be the guilty ones in this ?

A No, sir, I have no opinion, whatsoever.

GERTRUDE LEE - By Mr. Briley:

Q And are you close to your children?

A Yes, sir, very close.

Q Would your closeness to your children and the fact that you have worked with children in all age groups, as well as adults, if the evidence in the case indicated to you that/ the defendant in this case was 17 years of age, would that unduly influence your decision as to the verdict or as to the punishment?

A It would all depend upon the evidence and circumstances and whatnot.

Q Would you demand that the State have a heavier burden of proof because the defendant is 17 than if he were 30?

A No, not really.

Q All right, fine.

BY MR. DICKENS:

Q Mrs. Lee, are you acquainted with any member of the George W. Hill family?

A Yes.

Q Would you tell us which ones you knew?

A Barbara and I are church members.

Q And you are church members of which church?

A Lee's Chapel, -- AME Church.

Q Now, would you consider Barbara a close friend of yours?

MARY DENNIS - By Mr. Briley:

Q What is your husband's name?

A Lee Jordan Dennis. Sr.

Q Where is he from?

A He grew up in Eatonton.

Q How old is Lee Jordan Dennis , Jr?

A Twenty-five.

Q Do you have any other children?

A Yes, I have three others.

Q What are their ages?

A Frank, is 22. Alice is 17. And John is 16.

Q Mrs. Dennis , if the evidence shows that the defendant was a 17 year old male, would the fact of his youth, have any bearing on your decision in the case?

A I think I would be able to go on the evidence.

Q Now, the second point, in case that you were selected to serve on this jury, and you and the 11 others of the jury brought in a verdict of guilty on all the charges, then you would be asked to decide the punishment, would his age effect your judgment as to what punishment he should receive?

A No, sir.

Q Thank you.

BY MR. DICKENS:

Q Mrs. Dennis , did you know George W. Hill, Sr, during his life time?

A No, sir.

MARY DENNIS - By Mr. Dickens:

be clarified.

MR. DICKENS: Well , I will clarify it, when I say an adult , I mean someone 21 years and older.

A Would you repeat that question, please.

Q If you are called upon to sit upon a jury to determine punishment, which would be either life sentence or electrocution, would you evaluate that issue , where it involved a 17 year old youth, on the same standards as a person 21 years old or would his youth have any bearing,whatsoever, on it?

A It would be difficult for me, but I think I could go according to the evidence as required by law.

Q Have you ever served on jury before?

A Yes, sir. Twice.

Q When was this?

A In October and that was a civil case, and I believe it was 1975, a criminal case.

Q What was the nature of the criminal case?

A I believe the district attorney asked for manslaughter

Q Have you ever served on the grand jury?

A Yes, sir. Twice.

Q And didyou serve on the grand jury when it considered this case?

A No, sir.

Q And you also are a member of the Baldwin County Board of Education?

ELOISE LAMB - By Mr. Briley:

Q Do you have any children?

A Three.

Q What are their ages, please?

A My son is 16 and a daughter 20 and a daughter 22.

Q Mrs. Lamb, in this case, it involves a 17 year old white male, would the fact that you have a son near his age, do you think, that this might influence you of the verdict in this matter?

A No. The age wouldn't matter. But having seen the boy, he sort of reminds me of my son, in looks, and that could have something to do .

Q Do you think that would prejudice you ?

A Well, after, I don't know , until I have heard the evidence .

Q All right, mam, let me ask you this, if you were selected to serve on the jury, in this case, and you and the other 11 , assuming and/from the evidence you found the defendant to be guilty as charged in this case, and you were asked to consider the punishment, and one of which punishment you would be authorized to consider would be the death penalty, would you be able then to consider the death penalty with an open mind?

A Well, I've always believed in the death penalty, did not believe in doing away with it, I don't know.

Q Would you place your mind to this 17 year old white boy who physically reminded you of your own son, would you be

that the defendant was 17 years old , white male, would that influence your decision in this case?

A I don't think so.

Q And when it came to considering the punishment, in the event in the case and/you sat on the jury which convicted him, would it influence your detemination as to what penalty should be imposed?

A I don't think so.

Q The fact that he was 17 years, would it make it more difficult for you to impose the death penalty than it ordinarily would to impose the death penalty?

A I don't think so.

Q She's with you.

BY MR. DICKENS:

Q Mrs. Durden, where does Mr. Durden work?

A At Allied Aluminum in Eatonton.

Q And do you have children?

A No.

Q Who is your father?

A My father and mother, both are deceased.

Q Were they residence of Baldwin County when they were living?

A Yes.

Q And what were their names?

A W.R. Torrance, and Egan Mason Torrance.

Q Do you have brothers and sisters living here in

BETTY BOYER - By Mr. Briley:

Q How long have you been there?
A Twenty-six years.
Q How long?
A Twenty -six.
Q Have you worked in the personnel office or related personnel work since you have been there?
A Yes, sir.
Q Are you married?
A Yes, sir.
Q What is your husband's name?
A Bernard.
Q Bernard?
A Yes, sir.
Q Do you have any children?
A Yes, sir.
Q What are their ages?
A I have one , he's 19.
Q Is that all?
A Uh, huh.
Q Mrs. Boyer, if the evidence shows that the defendant in this case is a 17 year old white male, would it be difficult for you to base the verdict strickly on the evidence of this case, or would you have sympathy for him, if any, due to his age?
A No, sir.

BETTY BOYER - By Mr. Briley:

Q When it came to the consideration of the penalty, you and the other jurors, if you were chosen, if you found him guilty as charged, then the second phase of the trial , you were instructed to furnish the penalty, and one you could consider was the death penalty, would you base it strictly on the evidence or would the age make it difficult for you to make a decision?

A I think that I could do it.

Q Thank you.

BY MR. DICKENS:

Q Mrs. Boyer, your husband has the Motors here in Milledgeville , I believe?

A Yes, sir.

Q And is your mother and father now living?

A Yes, sir.

Q And what is your father's name?

A Amos.

Q What is his full name?

A Amos W. McMillian.

Q And your mother?

A Blanch McMillian.

Q Do you have brothers and sisters living here in Baldwin County?

A No, sir.

Q Are you an only child?

A No, sir, I have one -- a brother in Atlanta.

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BETTY BOYER - By Mr. Dickens:

Q Have you ever personally known, George W. Hill, Sr?

A No.

Q Do you know any member of his family?

A No.

Q Have you ever heard anything about this case either in conversations with others, or having listened to the radio, or t.v. or from having read the newspapers ?

A The radio and the local newspaper.

Q You have had no conversations with anyone or have you had anyone to converse about this?

A No, sir.

Q Mrs. Boyer, based on what you now have read or have heard, do you have any opinion , what ever, however slight, as to the guilt or innocence of the defendant?

A No.

Q Do you now, have any opinion, whatever, however slight, of what punishment should be meted out to those who may be proven to have done it?

A No, sir.

Q In evaluating punishment, that is if that issue should be submitted to you, and the choice were between electrocution and life imprisonment, would you apply the same standards of evaluating a 17 year old as you would apply to a 30 year old?

A Yes, sir.

Q If this case goes on several days, would it impose

FRANCES BROWN - By Mr. Dickens:

a 30 year old man in determining punishment, such as life imprisonment or electrocution?

A Uh, huh.

Q You would?

A I would.

Q Have you ever served on a grand jury?

A Last month.

Q Last month you were on the grand jury?

A Uh, huh.

Q Were you on the grand jury that returned this indictment?

A I was on a--- say that again, I didn't understand that?

Q Have you ever served on a grand jury, Mrs. Brown? Grand jury, not a traverse jury?

A No, no.

Q It's a jury---

A No. Uh, uh, no.

Q You have never served on a grand jury?

A No. no.

Q Did you know George W. Hill, Sr. in his lifetime?

A No.

Q Do you now, know any of his family?

A No.

Q Do you know his daughter , named Barbara Napp?

A No.

SARA MAPP - By Mr. Briley:

A Yes, I have three.

Q And how old are they?

A I have a daughter 11, and a son 8, and another daughter 3.

Q Mrs. Mapp, if you were selected to serve on this jury, and the fact that the defendant is 17 years old, would you have any sympathy for him because of his age such that it would prejudice you in whatever decision that you might make from the evidence in the case?

A No.

Q And when it came to -- if you were selected to serve on the jury and you and the other 11 jurors, unanimously decided that he was guilty, and returned such a verdict, and then you were asked to consider the punishment, and the Court gave you an alternative of life imprisonment or the death penalty, would his age prohibit you from considering the death penalty?

A No.

Q Thank you.

BY MR. DICKENS:

Q Mrs. Mapp, what is your husband's name?

A Richard. Richard Mapp.

Q And where does Mr. Mapp work?

A Central State Hospital.

Q And how long has Mr. Mapp worked there?

A 13 years.

MOLLIE LAWRENCE - By Mr. Briley:

Q 26 is the girl?

A Uh, huh. 29, is a boy. And 33 is a boy.

Q Now, do they all live in the County?

A All but my daughter , she's in Detroit.

Q And you boy who is 20, where is he now? Does he live in the County?

A Uh, huh.

Q Where does he work?

A McGaw Laboratories.

Q And the 22 year one?

A He works at Central State.

Q How long has he been at Central State?

A About a year, a little better than a year.

Q Now, you've raised a large family of boys---

A I did.

Q Let me ask you this question, would the fact , if the evidence shows that the defendant in this case was a 17 year old boy, would that influence your decision in this case?

A No, it wouldn't.

Q When it came to the penalty in the event that you served on the jury, and that jury found the defendant guilty as charged, and then it came ----- the responsibility of the jury to determine the punishment could you consider the death penalty along with the other alternatives , or the

fact that he was 17 preclude you from fairly considering the death penalty?

A No, it wouldn't have anything to do with it.

Q Thank you.

BY MR. DICKENS:

Q Mrs. Lawrence , did you know George W. Hill, in his life time?

A No, I didn't.

Q Do you know any member of George W. Hill's family?

A No.

Q Have you heard anything about this case either with conversations with others or radio or t.v. or/having read from anything?

A Well, from the radio and the papers.

Q And that is the limit of your information?

A Yes, sir.

Q Well, based on the things that you have heard, or read, do you now have any opinion whatever, however slight, as to whether the defendant, Phillip Legare, is guilty or innocent?

A I couldn't say, I would have to have more evidence.

Q Do you have any opinion?

A I really couldn't say.

Q Well, you either have an opinion or no opinion--do you have any opinion?

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RUBY LOCKABLY - By Mr. Briley:

A Yes.
Q Where ?
A Central State Hospital.
Q How long have you been there, please mam?
A I've been there six years.
Q What do you do out there please , mam?
A I'm Charge Attendant of the Alcohol and Drug Ward.
Q Married?
A Yes, I am.
Q What's your husband's name?
A Horace.
Q Do you have any children?
A I have two sons.
Q How old are they?
A They are 31 and 29.
Q Where are they living presently?
A They live in Hardwick.
Q Hardwick?
A Uh, huh.
Q Where are they employed?
A The youngest is employed with the State Highway Department and the oldest is not employed now, he recently had lung surgery.
Q Mrs. Lockaby, if you were selected to serve on this jury, would the fact that the defendant is a 17 year old boy

RUBY LOCKABY - By Mr. Briley:

would that influence your decision as to guilt or innocence?

A No.

Q And , if you were selected to serve on the jury, and you and 11 other jurors , found this defendant guilty, and you were charged that you could impose a life sentence or a death penalty, could you consider the death penalty even-though he is 17 years old?

A Well, it would be based on the evidence that came out.

Q Well, would the fact that he is 17 years old, would that -- would you place on the State a heavier burden, because he is 17- than if he were 30?

A No, sir.

Q All right. Thank you.

BY MR. DICKENS:

Q Mrs. Lockaby, did you know George W. Hill ,Sr., during his life-time?

A No, sir, I didn't.

Q Do you now, know any member of his family?

A No, sir,

Q Do you have any grandchildren?

A No, sir.

Q No grandchildren. Have you heard anything about this case or read anything about it?

A Well, when it first happened I heard it over the news.

Q Did it make any impression on you, what they said

CHRISTINE GLENN - By Mr. Briley:

Q Where does he work?
A For the Board of Education.
Q Do you have any children?
A Yes, seven.
Q Seven?
A Uh, huh.
Q How old are they?
A 31, 23, 19, 16, 14, 12 and 9.
Q All right. now of those, which are boys?
A The last two.
Q The last two, 12 and 9, and the rest of them are girls?
A Uh, huh.
Q If you were selected to serve on this jury, would the fact , that the defendant is 17 years old, would that influence you in your deliberations in your decision?
A No.
Q Would his age have any influence on you as to the penalty that would be recommended?
A No.

BY MR. DICKENS:

Q Mrs. Glenn, did you know George W. Hill, Sr.,in his lifetime?
A No.
Q Do you know any member of his family?
A No.

lived in Georgetown, Louisana , in Atlanta, and here.

Q Let me ask you this question, if youwere chosen to serve on this jury, and the fact that the defendant is a -- 17 year old male, would that,would that make it any more difficult for you to reach a verdict based on evidence than if he were a 30 year old?

A No, sir.

Q When it came to the punishment in the event that it came to punishment;and you were charged by the Court , that you had two choices, one - life and one- death, would you say life just because the defendant was 17 years old?

A No, sir.

Q That's all, thank you.

BY MR. DICKENS:

Q Mr. Pearson, do you or your wife, either have any relatives in Baldwin County?

A No, sir.

Q Have you previously served on a jury?

A Yes, sir.

Q What jury service do you have previously?

A October tern of Court, two juries-- one civil and one criminal. Simple Battery and Divorce.

Q And that is the only jury service that you have ever had in your lifetime? That is here in Baldwin County.

A Yes, sir.

Q You have never served on any grand juries?

A No, sir.

GERDA WILLIS - By Mr. Briley:

Q Do you have any children?

A One.

Q And boy or girl?

A Boy.

Q How old is he?

A He's 27.

Q Mrs. Willis, if you were selected to serve on this jury, would the fact that the defendant is a 17 year old young man, would that influence your decision in the case?

A No, sir.

Q Would it make it more difficult for you to reach a guilty verdict even if the evidence justified it?

A No, sir.

Q Allright, now, I ask you, if you were to serve on the jury and you and 11 other jurors decided that the defendant was guilty as charged, and rendered a guilty verdict, and then you were charged by the Court that it was your duty to fix punishment, and you had a choice of two punishments, -- life imprisonment, and the death penalty -- would you vote against the death penalty because he is only 17 years old?

A No, sir.

Q All right, thank you.

BY MR. DICKENS:

Q Mrs. Willis, did you know George W. Hill, Sr, during his lifetime?

A No, sir.

WINSTON MARTIN - By Mr. Briley:

A Forty- three.

Q Are you married?

A Yes,sir.

Q How long have you been married?

A Seventeen years.

Q Do you have any children?

A Yes, sir.

Q Give me their ages?

A I have two daughters, one, 13, and one, 17. One,16, pardon me.

Q Mr. Martin, now , you heard me ask these questions, to the rest of the panels , if you were chosen to serve on this jury, would the fact that the defendant is 17 years old, would that cause you any undue trouble in rendering a verdict based on the evidence in the case?

A No, sir.

Q And in the event, you and 11 other jurors found the verdict of guilty in this case, and so returned and the Court charged that it was your responsibility for determining sentence in this case, would you be able to consider the death penalty with the life sentence, even-though the defendant is 17 years old?

A Yes, sir.

Q Thank you, sir.

BY MR. DICKENS:

Q Mr. Martin, since you recently moved to Baldwin

ERMA HODGES - By Mr. Briley:

Q What are their ages?

A 37, 35, and 31. Two girls and a boy.

Q And the girl is the 35 year old one.

A The middle one.

Q Do you have any grandchildren?

A Oh, yes.

Q How old is your oldest grandchild?

A 11.

Q And the youngest one?

A 4.

Q Mrs. Hodges, in this case, if you were chosen, to serve, in this case, if you were chosen to serve on this jury would the fact that the defendant is 17 years old, would that give you any problem?

A Not much.

Q Not much. Would you be able to overcome that problem?

A Yes.

Q Mrs. Hodges, if you were to serve on this jury and you and the other 11 jurors found the defendant guilty, and then it came time -- the Judge charged you that it was your responsibility to determine the punishment and you had two sentences that you could consider -- a life sentence and a death sentence--- and taking into consideration the age of the defendant, could you fairly consider the death penalty?

A I would consider the evidence as it comes.

ANNIE HALL - By Mr. Briley:

Q Now, the 22 year old one is that a boy?
A A girl.
Q It's a girl. What's your youngest boy?
A Oh, he's 24.
Q Where does he live?
A Right now, he is living with me.
Q What kind of work does he do?
A He's a carpenter.
Q A carpenter?
A Yes, sir.
Q I ask you, that the fact that the defendant is 17 years old , if you were chosen to serve on the jury, would that give you any problems?
A No, sir.
Q Now, in considering the punishment, in the event that you served on the jury and in the event that you found the defendant guilty , and you had two choices as to punishment, charged to you by the Court, would you vote against the death penalty, just because he's 17 years old?
A No , sir.
Q Beg your pardon?
A No, sir.
Q You seem to hesitate? Can you tell us your reason for that?
A Oh, well, it's just hard to make that decision, you know, he's so young and all.

GERALDINE EDWARDS - By Mr. Dickens;

time I heard, I think, he was in the Macon Hospital.

Q What did you hear there that night?

A That , well, they were just discussing that he was in critical condition in the Macon Hospital, and at the time, I really didn't know who they were talking about.

Q Did they talk about how he got hurt?

A No.

Q Well, based on what you may have heard or read about the death of George W. Hill, do you now have any opinion whatever, however slight it might be, as to who might be responsib for his death?

A No.

Q Based upon what you have read or heard, do you now have any opinion, whatever, however slight it might be, as to what the punishment should be to whoever might have done it?

A When you said punishment, what kind of punishment? Are you referring to life imprisonment or death or what?

Q Death or life imprisonment?

A I'm strictly against capital punishment.

Q You are?

A Yes.

Q Have you served on a jury previously?

A Yes.

Q How many times?

A The first time it was in '73, and this last past October.

LAURETTE SMITH

Questioned by

MR. BRILEY:

Q Mrs. Smith, are you employed outside the home?

A No, I'm not.

Q Where do you live please?

A Route 3, King Road-

Q How long have you lived there?

A Twenty-seven years.

Q What is your husband's name?

A Guy Smith, Jr.

Q What does he do?

A He's semi-retired farmer.

Q Retired farmer?

A Yes, uh, huh.

Q How long have you been married?

A Thirtysix years.

Q Do you have any children?

A Have two sons. 27 and 34.

Q If you were selectedto serve on this jury, would the fact that the defendant is a 17 year old, would that influence your reasoning ability as to the guilt or innocence?

A No. I don't believe his age would influence me. I think, I would base it entirely on the evidence.

Q Would it influence as to the penalty?

A No.

JOHNNIE BUTTS - By Mr. Briley:

A Naval Ordinance Plant. Macon, and Milledgeville.

Q Which Naval Ordinance Plant did you work at, the one here or the one in Macon.

A Well, the one here moved to Macon. And I was moved with it, right on.

Q Are you married?

A Yeah.

Q What's your wife's name?

A Victoria Butts.

Q Do you have any children?

A No children.

Q No children. Mr. Butts, if you were chosen to serve on this jury, the fact that the defendant was 17 years old, would that give you any problems?

A I don't think so.

Q And when it came to punishment, if you served on the jury and found him guilty, and it came to the punishment phase, would that make you lean toward life rather than vote for the death penalty?

A According to the evidence.

Q According to the evidence?

A Yeah, uh, huh.

Q All right, thank you.

BY MR. DICKENS:

Q Mr. Butts, are you personally acquainted with George

Q How long has he been there?
A About four years.
Q What does he do out there?
A Works in the warehouse.
Q Do you know who his immediate supervisor is?
A Mr. Matthews , I believe.
Q Do you have any children?
A Not yet.
Q Mrs. Worsham , if this jury was going to be locked up for 2 or 3 nights would that work an imposition on you?
A Well, it might.
Q Is it that close?
A About three more months.
Q Outside of inconvenience would it ?
A No.
Q No. Mrs. Worsham, if you were selected to serve on this jury , would the fact that this defendant is 17 yearsold, would that give you any problems, so far as rendering a verdict based on the evidence?
A No.
Q If you served on the jury and the jury voted to convict and rendered such a decision , and then you were charged by the Court , that it would be your duty then to set the punishment, and you had two choices , alife sentence or the death penalty , would his age cause you to be more likely to vote one way than the other?

KENNETH HORTON - By Mr. Briley:

Q Have any children?

A Yes,sir, two.

Q What are their ages?

A 14 and 5.

Q And the 14 year old is that a boy or a girl?

A Both girls.

Q Have you lived here in Baldwin County all your life?

A Fifteen years.

Q Where did you live before that?

A Bleckly County.

Q Mr. Horton, the fact that the defendant is a 17 year old , would that give you any problem in the case?

A No,

Q If it came to the sentencing phase, and you had only two choices -- a life sentence and a death sentence-- would you be inclined to vote against the death sentence becausehe is 17 years old?

A No.

Q Thank you , sir.

BY MR. DICKENS:

Q Mr. Horton, did you know George W. Hill, during his life time?

A No.

Q Do you know any member of his family?

A No.

Q Have your heard any discussion or have you read

SAMUEL SEYMOUR

Questioned by

MR. BRILEY:

Q Mr. Seymour , where are you employed, sir?

A Robinson and Morris Motors.

Q How long have you been there?

A Two and a half years.

Q How old are you, sir?

A Sixty-one.

Q How long have you lived in Baldwin County?

A I came here in August of '73, and moved my family here in January of '74. From Troup County.

Q What kind of work did you do in Troup County?

A I've been selling automobiles since 1948.

Q Who did you work for in Troup County?

A Well, I was a partner in the Volkswagen dealership over there, .

Q Do you have any children?

A Boy, 33, a girl , 31, and a girl 20.

Q Mr. Seymour, the fact that the defendant is a 17 year old , if you were selected to serve on this jury, would that give you any trouble?

A That factor would have no bearing as far as I was concerned.

Q Would that go for the punishment also?

A Yes,.sir.

Q In other words, you would not be more likely to vote

SHIRLEY EPPS - By Mr. Briley:

Q And he works at YDC?
A Right.
Q Do you have any children?
A One daughter , 13.
Q One daughter, 13?
A Yes, sir.
Q Mrs. Epps, if you were chosen to serve on this jury and the fact that the defendant is 17 years old, would that give you any trouble?
A No, sir.
Q Would it give you any trouble when it came to the sentencing phase?
A No, sir.
Q All right, you would judge it on the basis of the evidence?
A Yes, sir.
BY MR. DICKENS:
Q Mrs. Epps, I believe, you said, that Mr. Epps was -- is a employee of the Central State Hospital and at the particular time of this ----
A He is at the Youth Development Center now and he was a Security Lieutenant at the time the alleged incident occurred.
Q Yes, now, would his work at that time carried him, you know, as security lieutenant , would it carry him in direct contact with the youths who are there?
A Yes, sir.

ELAINE NELSON - By Mr. Briley:

Q If you were chosen to serve on this jury, andthe fact that the defendant is 17 years old, would that give you any trouble by listening to the evidence and making your decis
A No, it wouldn't.
Q And as to the punishment , would you judge him on the same basis as any other adult?
A Yes, I would.
Q Thank you.

BY MR. DICKENS:

Q Mrs. Nelson, have you any children?
A Two. A boy., 18, and a girl, 20.
Q I believe you said that you did not know George W. Hill, in his life time?
A I did not.
Q Do you know any member of George Hill's family?
A No.
Q Now, what part of town do you live in?
A Part of what?
Q Part of town that you live in?
A West Mitchell , Milledgeville.
Q Is that in, what you call, West End?
A No. Choice Hill.
Q Now, have you had any occasion to hear anything or read anything about the death of George Hill?
A I read it in the local paper and the next day after it happened I heard it discussed between the employees at the

HELEN GINN - By Mr. Briley:

Rehabilitation Center.

Q Are you married?

A Yes,

Q What is your husband's name?

A Charles.

Q How long have you been married?

A Twenty years.

Q What does Mr. Ginn do?

A He works at Central State Hospital in Medical Records.

Q Now, how long have you worked out there?

A About 25 years.

Q And how long has he worked out there?

A About 27.

Q How long have you been married?

A Twenty years.

Q Mam?

A Twenty.

Q Do you have any children?

A Yes, I have two sons, 18 and 11.

Q Mrs. Ginn, if you were chosen to serve on this jury, the fact that the defendant is 17 years old , would that give you any problems?

A Well, I've done a lot of thinking about it, but I believe I could do it. Carry out the law.

Q Now, in the event that you were selected to serve

WILEY A. STEPHENS - By Mr. Briley:

A Sergeant.

Q Do you have any children?

A One.

Q Boy or girl?

A Son, 29.

Q And where is he now?

A He's in Milledgeville.

Q What does he do?

A He's with McGaw Laboratories.

Q Mr. Stephens, if you were selected to serve on this jury, would the fact that the defendant is 17 years old, would that pose any problem to you ?

A No, sir.

Q And when it came to punishment if you served on the jury and when it came for the determination of punishment and the Court charged you that you had a choice, in the matter, you could find a life sentence or you could find the death penalty-- would you still be able to base it on the evidence or would the fact that the defendant is 17 years old weigh heavily on you?

A No, sir, I don't think the age, not at 17, would have anything to dow with it.

Q All right, thank you sir.

BY MR. DICKENS:

Q Mr. Stephens, were you acquainted with George W. Hill, in his life time?

A No, sir.

ELIZABETH JACKSON - By Mr. Briley:

Q Same type of work?
A Yes.
Q How long have you been married?
A Thirty-four years.
Q How many children doyou have?
A Two.
Q And their ages?
A A daughter, married, - 33, living in Fla. and a son 26, living here in Milledgeville.
Q What does your son do?
A Mechanic-- machinist.
Q Where does he work?
A No where right now.
Q No where right now. He's a machinist?
A Yes, a mechanic.
Q Is he married?
A No, sir.
Q Mrs. Jackson, if you were selected to serve on this jury, would the fact that the defendant is 17 years old, would that give you any trouble in this case?
A I don't think so.
Q And if you were selected to serve on this jury , and you and the other members of the jury found the defendant guilty as charged, and the Court charged you that you had a choice of selecting one of two penalties, one being a life sentence, and

DOROTHY HURT - By Mr. Briley:

Q Are you married?

A Yes.

Q Who is your husband?

A Tom Hurt.

Q Tom Hurt. Where is he employed?

A He's not employed. He's unemployed.

Q How long have you been married?

A Twenty-two years.

Q Do you have any children?

A Four.

Q What are their ages?

A One, is 20, --

Q Is that a boy?

A Uh, huh, boy. I have three boys and one girl. Oldest one is 20, and the next one , 19, and the next one is 17 and the little girl is 16.

Q Mrs. Hurt, if you were chosen to serve on this jury would the fact that the defendant is 17 years old, would that cause any problem to you as far as making a decision based on the evidence?

A No.

Q Now, ifyou were chosen to serve on the jury , and you and the other jurors found the defendant guilty of the charges, and the Court then charged you that you had the responsibility for fixing the sentence, and you were given two alternatives, the death penalty and life sentence, would you choose the life

JAMES SMITH - By Mr. Briley:

the fact that the defendant is 17 years old , would that give you any problems so far as reaching a verdict, based on the evidence?

A No, sir.

Q Now, if you were chosen to serve on the jury , and you and the other 11 jurors decided unanimously that the defendant was guilty , if you made that decision, then would you -- and the Court charged you that there was two penalties, that you could consider , and you must set one of them as the penalty, and realizing that the defendant is 17 years old, could you consider the death penalty?

A Yes.

Q You would give it fair consideration, based on the evidence , just as though he was 30 years old?

A Yes, sir.

Q Thank you, sir.

BY MR. DICKENS:

Q Mr. Smith, I understood you to say that your wife was a native of Johnson County, are you a native of Baldwin?

A . No,sir.

Q What County are you from, please sir?

A Washington County.

Q Washington County. And how long have you lived here in Baldwin County?

A Since 1965.

Q Are either one of your parents still living in

EMMA FORNEY - By Mr. Briley:

Q Ms. Forney, if you were chosen to serve on this jury , would the age of the defendant, which is 17 years old, would that be any problem to you making your decision , based on the evidence of law?

A No, sir.

Q And if you served on the jury, and you and the other jurors found the defendant guilty, and the Court charged you that you had the responsibility of setting the penalty, and you were given a choice between a life sentence and the death penalty, could you make that decision without consideration of the age?

A Yes, sir.

Q The fact that he is 17 years old would not make you vote against the death penalty, just for the sake of his age?

A No, sir.

Q Thank you.

BY MR. DICKENS:

Q Ms. Forney, do you have any children?

A Yes, I have two.

Q What ages are they?

A Four and two.

Q What are they-boys and ---

A Girls.

Q Both girls. Did you by any chance know George W. Hill, when he was in life?

A No, sir.

LORENA JOHNSON - By Mr. Briley:

Q Where do you live?
A I live on Pettigrew Road.
Q Beg your pardon?
A Milledgeville, Pettigrew Road.
Q Which road?
A Pettigrew Road.
Q How long have you lived there?
A Most all my life.
Q Most all your life. What's your husband's name?
A Willie Lewis Johnson.
Q Where does he work?
A At McGaw Laboratories.
Q How long has he been there?
A About four years.
Q Any children?
A I have three.
Q How old are they?
A I have one, 19, ---
Q Is that a boy?
A A boy. One, 18.
Q Is that a boy?
A A boy. And a girl , 17.
Q Ms. Johnson, ifyou were chosen to serve on this jury, would the fact that the defendant is 17 years old, would that cause you any trouble?
A No, it wouldn't.

JESSIE LEE CHOICE - By Mr. Briley;

A Twelve years.

Q How old are you sir?

A Thirty-seven.

Q - Is there any reason that you would prefer not to serve on this jury?

A No.

Q All right, in the event that you were selected , chosen to serve on this jury, would the fact that the defendant is 17 years old, would that give you any problems as to impartial consideration of the evidence?

A No, sir.

Q And the fact that he is 17 years old and it became your lot to consider the penalty, would that give you any problems because he is 17 years old?

A No,sir.

Q Would you consider it on the same bases as you would a 30 year old?

A Yes, sir.

Q He's with you.

BY MR. DICKENS:

Q Mr. Choice, didyou know George W. Hill, when he was in life?

A I knowed him by visiting my father.

Q What is that?

A Yes, sir, I know him..

Q How did you know him?

VIOLA HURT - By Mr. Briley:

A No, he goes in the day time.

Q What's school does he go to?

A He's suppose to finish this quarter.

Q Does he go to Baldwin County High?

A Uh, huh, Baldwin County High.

Q Now, do you have another son, not much older than that?

A Yes, I have one , 27, --

Q 27.

A And one, 36. One, 38, and one 41.-- 42.

Q Mrs. Hurt, if you were chosen, to serve on this jury, would the fact that the defendant is 17 years of age, would that pose any problem to you , as far as considering his innocence or guilt?

A No, I don't think so.

Q Now, if you were chosen on the jury, and you and the other jurors, reached beyond a reasonable doubt, that he was guilty and you returned such verdict, and then the Court charged you , that you then had the responsibility for setting the penalty in the case, and gave you a choice of setting the penalty, of life or the death penalty, would his age stop you from voting for the death penalty?

A I wouldn't think so.

Q All right, thank you.

BY MR. DICKENS:

Q Mrs. Hurt, did you know George Hill in his life time?

M.E. MATHEWS - By Mr. Briley:

Q Do you pastor in Churches?
A No, just a layman.
Q Laymann?
A Yeah.
Q All right, are you a lay preacher?
A Somewhats.
Q Are you married?
A Yes.
Q How long have you been married?
A Forty years.
Q Forty years? Now, my next question, how old are you, Mr. Mathews?
A Sixty-one.
Q Do you have any children?
A Six.
Q How many boys do you have?
A Three.
Q How old are they?
A Well, the oldest one is about 37, and 29, and 19.
Q Mr. Mathews, if you were selected to serve on this jury, would the fact that the defendant is 17 a year old, would that cause you any particular problems?
A No.
Q If you were selected and served on the jury and you and the other jurors found this defendant guilty as charged, and the Court then charged you that you had two choices, in-

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and the defendant's age is 17, would that give you any trouble, would that bother you any in reaching a decision?

A No, sir.

Q If you served on the jury , and the jury found the defendant guilty , and the Court charged you that there were two penalities that you could consider , the death penalty and the life penalty, would the fact that the defendant is 17 years old , would that give you any problems in reaching a decision on the sentence?

A No, sir.

Q All right, thank you.

BY MR. DICKENS:

Q Is it Miss Tribble, or Mrs. Tribble?

A Miss.

Q Where is your home in the County?

A I live at South side Trailer Park, in the City.

Q You're living at South-side?

A Yes, sir.

Q Do you live alone or live with someone ?

A I live alone.

Q And have you worked ever worked anywhere in Baldwin County, other than at Central State Hospital?

A I worked at Baldwin County Hospital.

Q Did you go to highschool in Baldwin County?

A No, sir.

Q You had finished highschool, before you came to

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